

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACQUERE J. DORAN,
Petitioner,
v.
WARDEN, FCI-HERLONG,
Respondent.

No. 2:22-cv-2040 KJN P

ORDER

On April 25, 2023, respondent filed a motion to dismiss and response. On May 17, 2023, in response to petitioner's status request, petitioner was informed that respondent filed a response and motion to dismiss on April 25, 2023. Twenty-one days have passed, and petitioner did not oppose the motion or seek an extension of time to do so.

Local Rule 230(l) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion" Id.

Local Rule 110 provides that failure to comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Id.

Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:

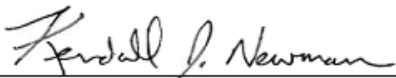
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Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19--operates as an adjudication on the merits.

Id.

Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days from the date of this order, petitioner shall file an opposition, if any, to the motion to dismiss. Failure to file an opposition will be deemed as consent to have the: (a) action dismissed for lack of prosecution; and (b) action dismissed based on plaintiff's failure to comply with these rules and a court order. Such a failure shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

Dated: June 13, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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